

Irish Reproductive Loan Fund Act (1874) Amendment Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

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[AS AMENDED IN COMMITTEE]

TO

Amend the Irish Reproductive Loan Fund Act, 1874. A.D. 1883.

WHEREAS under the provisions of an Act of Parliament passed in the session of the thirty-seventh and thirty-eighth years of the reign of Her present Majesty, chapter eighty-six, intituled the Irish Reproductive Loan Fund Act, 1874, as amended by an Act of Parliament passed in the forty-fifth year of the reign of Her present Majesty, intituled "An Act to amend the Irish Reproductive Loan Fund Act, 1874," the property in the fund known as the Irish Reproductive Loan Fund was passed to and vested in the Commissioners of Public Works in Ireland upon trust that the said Commissioners should dispose of the same by way of loan for the promotion of such purposes or objects of public utility not otherwise provided for in whole or in part by local rate or assessment, including the instruction in and the promotion of agricultural science in the counties of Clare, Cork, Galway, Kerry, Leitrim, Limerick, Mayo, Roscommon, Sligo, and Tipperary :

27 & 28 Vict.
c. 86.

And whereas it was by the said Acts further enacted that in eight of the said counties referred to in the former of the said Acts as "maritime counties" (being the counties above enumerated with the exception of the counties of Roscommon and Tipperary), such purposes should be deemed to include purposes defined in the said Acts as "fishery purposes," for which fishery purposes the Commissioners were empowered to advance by way of loan such amount not exceeding in the whole the amount standing to the credit of each of the eight counties in any year as the Inspectors of Irish Fisheries might from time to time recommend :

And whereas doubts have arisen with regard to the scope and meaning of the expression "such purposes of public utility not otherwise provided for in whole or in part by local rate or assessment," and by reason of such doubts the counties of Roscommon and Tipperary, not being maritime counties, have been

[Bill 256.]

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A.D. 1883. — debarr'd from participating in the benefits of the said Irish Reproductive Loan Fund:

And whereas it is desirable that the counties of Roscommon and Tipperary should be enabled to participate in the benefit of such portions of the said funds as may stand to the credit of each of such 5 counties respectively in any year:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: 10

Short title.

1. This Act may be cited for all purposes as the Irish Reproductive Loan Fund Amendment Act, 1883."

Amendment of sec. 4 of 37 & 38 Vict. c. 86.

2. As regards the counties of Roscommon and Tipperary the words contained in the fourth section of the Act thirty-seventh and thirty-eighth Victoria, chapter eighty-six, "not otherwise provided 15 " for in whole or in part by local rate or assessment," are hereby repealed.

Loans to town commissioners from Irish Reproductive Loan Fund.

3. Subject to the provisions of this Act it shall be lawful for the Commissioners of Public Works in Ireland to advance by way of loan to the town commissioners of every town within the counties 20 of Roscommon and Tipperary which has adopted the provisions of the Towns Improvement (Ireland) Act, 1854, such amount of the Irish Reproductive Loan Fund, not exceeding in the whole the amount standing to the credit of each of the said counties respectively in any year, as the Commissioners, with the consent of the 25 Treasury, may from time to time think proper for such objects of public utility as may be approved by the Treasury.

Steps to be taken to procure loan.

4. Prior to the advance of any such loan as is in the last section mentioned, the town commissioners requiring a loan shall forward a written representation to the Commissioners of Public Works 30 stating the object of public utility for which the loan is required, accompanied by an estimate of the amount to be expended upon the proposed works or objects, and by such maps, plans, and explanations as may be sufficient to satisfy the Commissioners of the public utility of the proposed works or objects, and that the amount 35 required to be advanced is reasonably adequate to carry out the proposed works or objects; the town commissioners shall likewise specify the period within which they propose that the said loan should be repaid and the fund or rate upon which it is intended to be secured, and shall satisfy the Commissioners of the adequacy of 40 such security.

5. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations:—

A.D. 1831.

Conditions of
loan.

(1.) Money shall not be borrowed except for permanent objects of public utility (including under the expression any works of which the cost ought in the opinion of the Commissioners to be spread over a term of years):

(2.) The money may be borrowed for such time not exceeding *thirty-five years* as the Commissioners determine in each case, and subject as aforesaid the town commissioners shall repay the moneys so borrowed in such manner as the Commissioners, with the consent of the Treasury, may from time to time determine:

(3.) There shall be charged by way of interest in respect of loans such interest (if any) not exceeding two pounds ten shillings per centum as the Commissioners may from time to time determine.

6. It shall be lawful for the town commissioners of any town to which a loan is made in pursuance of the provisions of this Act in case no fund exists or no sufficient portion of the rates of such town is available for the repayment of such loan to levy a rate for the purpose of repaying such loan, provided that the rate levied under this section does not exceed one penny in the pound upon the entire assessable value of the area over which the jurisdiction to levy rates of such town commissioners extends, and such town commissioners shall have all such powers to enforce the payment of any rate levied in pursuance of this section as are now possessed by them to enforce payment of the ordinary rates payable in respect of such town.

Rate for re-
payments of
loan.

7. The town commissioners of any town requiring a loan under the provisions of this Act are hereby authorised and empowered to charge and mortgage to the Commissioners any portion of the rates of such town or the special rate levied in pursuance of the last preceding section for securing the repayment of such loan with interest at the time or times specified by the Commissioners, and in the event of the nonpayment of such loan or any part thereof at the time or times so specified it shall be lawful for the Commissioners to sequester such portion of the rates or such special rate as may have been mortgaged or charged to them for the purposes aforesaid, and to collect the same until the loan or the portion thereof unpaid shall have been satisfied, and for this purpose the Commissioners shall have and are hereby empowered to use all the

Power of
mortgaging.
See 41 & 42
Vict. c. 62.
ss. 237 & 240.

A.D. 1863. remedies possessed by the town commissioners for the collection
— and enforcement of such rates or special rate.

Interpreta-
tion,

8. In this Act, if not inconsistent with the context, the following
terms have the meanings hereby respectively assigned to them; that
is to say,

"Commissioners" means the Commissioners of Public Works in
Ireland.

17 & 18 Vict.
c. 103.

"Town commissioners" means the commissioners appointed
under the Towns Improvement (Ireland) Act, 1854, and any
Act amending the same.

17 & 18 Vict.
c. 103.

"Town" means any town as defined by section one of the Towns
Improvement (Ireland) Act, 1854, which has adopted that
Act.

"Treasury" means the Commissioners of Her Majesty's Treasury.

This Act to
be construed
with
87 & 88 Vict.
c. 86.

9. This Act and the Act thirty-seventh and thirty-eighth
Victoria, chapter eighty-six, shall be read and construed as one
Act, except in so far as the provisions of the said Act are inconsis-
tent with or repealed by the provisions of the present Act.

